

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

MARNEY DURANJACOME,	:	
Plaintiff,	:	C.A. No.:
v.	:	
NATASHA JOYNES and RHONDA	:	<u>NON-ARBITRATION CASE</u>
REYNOLDS,	:	<u>JURY OF SIX DEMANDED</u>
Defendants.	:	

COMPLAINT

PARTIES

1. Plaintiff, Marney Duranjacome, resides at 3140 Amador Drive, Virginia Beach, Virginia, 23456.
2. Defendant, Natasha Joynes, resides at 109 East Jewell Street, Delmar, Delaware, 19940.
3. Defendant, Rhonda Reynolds, resides at 109 East Jewell Street, Delmar, Delaware, 19940.

JURISDICTION

4. Paragraphs 1 through 3 are incorporated herein by reference.
5. Jurisdiction is conferred pursuant to 28 U.S.C. §1332(a)(1) and § 1332(c)(1) as the amount in controversy exceeds \$75,000.00 and the action is between citizens of different states. Venue is proper in this Court pursuant to 28 U.S.C. §1391(a), as this is the judicial district in which the defendants reside and the judicial district in which a substantial part of the events or omissions giving rise to this claim occurred.

FACTUAL ALLEGATIONS

6. On or about Tuesday, July 6, 2004, at approximately 6:50 p.m., the plaintiff, Marney Duranjacome, was a passenger in a motor vehicle operated by Jaime Duranjacome, traveling southbound on US 13 near the intersection of Allens Mill Road (CR 454A).

7. At the aforementioned time and place, the defendant, Natasha Joynes, operating a vehicle owned by defendant Rhonda Reynolds, was driving eastbound on Allens Mill Road (CR 454A), when she disregarded a stop sign and entered the intersection, impacting the passenger side of plaintiff's vehicle, resulting in serious personal injuries to the plaintiff, Marney Duranjacome.

8. Defendant, Natasha Joynes, was cited for disregarding a stop sign, in violation of 21 Del. C. §4164(b).

COUNT I
CLAIM AGAINST NATASHA JOYNES

9. Paragraphs 1-8 are incorporated herein by reference.

10. The direct and proximate cause of the accident was the negligence of the defendant, Natasha Joynes, as follows:

- (a) She failed to obey a stop sign, in violation of 21 Del. C. §4164(b);
- (b) She entered into, upon and/or across a roadway before such movement could be made in safety, in violation of 21 Del. C. §4164(b);
- (c) She failed to yield the right-of-way to vehicles approaching from the opposite direction, in violation of 21 Del. C. §4133
- (d) She operated her vehicle in a careless and imprudent manner without due regard to road, weather and traffic conditions then existing, in violation of 21 Del. C. §4176(a);
- (e) She failed to give full time and attention to the operation of her vehicle, in violation of 21 Del. C. §4176(b);

- (f) She operated a vehicle which was not equipped with brakes adequate to control the movement of and stop such vehicle, in violation of 21 Del. C. §4303(a);
- (g) She drove her vehicle in willful and wanton disregard for the safety of persons and property on said roadway, in violation of 21 Del. C. §4175(a);
- (h) She operated a motor vehicle at a high and excessive rate of speed without due regard to road, weather and traffic conditions then existing, in violation of 21 Del. C. §4168(a);
- (i) She failed to maintain a proper lookout while operating her vehicle, in violation of 21 Del. C. §4176(b);
- (j) She failed to keep her vehicle under proper and adequate control at the time of the accident in violation of the common law duty of care she had to others on the highway, including the plaintiff Marney Duranjacome;
- (k) She failed to maintain and keep a proper lookout for persons and other vehicles in the area at the time of the accident, in violation of the common law duty of care she had to others on the highway, including the plaintiff Marney Duranjacome;
- (l) She failed to operate her vehicle as a reasonable and prudent person under the circumstances in doing the aforementioned acts set forth in subparagraphs (a) through (k), in violation of the common law duty of care she had to others on the highway, including the plaintiff Marney Duranjacome;
- (m) She was otherwise negligent.

COUNT II
CLAIM AGAINST RHONDA REYNOLDS

- 11. Paragraphs 1-10 are incorporated herein by reference.
- 12. The defendant, Rhonda Reynolds, was the owner of the vehicle operated by the defendant, Natasha Joynes, at the time of the aforesaid accident.

13. A proximate cause of the aforesaid collision was the negligence of the defendant, Rhonda Renyolds, by entrusting her vehicle to Natasha Joynes, whom she knew or should have known would act in a manner likely to cause injury to third persons.

14. The defendant, Rhonda Reynolds, by entrusting her vehicle to a person whom she knew or should have known would act in a manner likely to cause injuries to third parties, acted in a manner which constituted willful and wanton disregard for the safety of others, including the plaintiff, Marney Duranjacome.

15. At all times relevant to this litigation, Natasha Joynes, was the agent, servant and/or employee of the defendant, Rhonda Reynolds. [DENIAL OF THIS ALLEGATION BY THE DEFENDANT MUST BE MADE BY AFFIDAVIT, PURSUANT TO 10 DEL. C. §3916.]

16. The defendant, Rhonda Renyolds, is vicariously liable for the acts of her agent, servant and/or employee.

17. She was otherwise negligent.

COUNT III
CLAIM OF MARNEY DURANJACOME

18. Paragraphs 1 through 17 are incorporated by reference.

19. As a direct and proximate result of the defendants' negligence, plaintiff, Marney Duranjacome, suffered severe personal injuries, both of a temporary and permanent nature, including but not limited to the following: lumbar disk degeneration at L1-L2, disc bulging at L1-L2, blurred vision, neck pain, headaches, cervical thoracolumbar strain, left subacromional bursitis, patellofemoral syndrome, back pain and pain in her arms.

20. As a consequence of her injuries, the plaintiff, Marney Duranjacome, has experienced, continues to experience, and is likely to experience in the future, substantial physical pain and suffering and discomfort, including recommended surgery.

21. As a further consequence of her injuries, the plaintiff, Marney Duranjacome, has experienced, continues to experience, and is likely to experience in the future, emotional pain, suffering, anxiety, and nervousness.

22. As a further result of the defendants' negligence, the plaintiff, Marney Duranjacome, has incurred and may in the future continue to incur, substantial medical bills for treatment of the injuries sustained in the accident.

WHEREFORE, the plaintiff, Marney Duranjacome, prays that this Court enter judgment against the defendants, Natasha Joynes and Rhonda Reynolds, jointly and severally, for all compensatory and special damages and for the cost of this action, along with any other relief that this Court may deem proper.

DOROSHOW, PASQUALE
KRAWITZ & BHAYA

By:

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Wilmington, Delaware 19805
(302) 998-0100
Attorneys for Plaintiffs

DATED: 3/17/06

JS 44 (Rev 11/04)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM)

I. (a) PLAINTIFFS		DEFENDANTS	
MARNEY DURANJACOME		NATASHA JOYNES and RHONDA REYNOLDS	
(b) County of Residence of First Listed Plaintiff <u>Virginia Beach</u> (EXCEPT IN U.S. PLAINTIFF CASES)		County of Residence of First Listed Defendant <u>Sussex</u> (IN U.S. PLAINTIFF CASES ONLY)	
(c) Attorney's (Firm Name, Address, and Telephone Number) Doroshow, Pasquale Krawitz & Bhaya 1202 Kirkwood Highway, Wilmington, DE 19805		NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED Attorneys (If Known)	
II. BASIS OF JURISDICTION (Place an "X" in One Box Only)		III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)	
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)		(For Diversity Cases Only) Citizen of This State <input type="checkbox"/> PTF <input checked="" type="checkbox"/> DEF <input type="checkbox"/> 1 <input type="checkbox"/> 1 Incorporated or Principal Place of Business In This State	
<input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)		Citizen of Another State <input checked="" type="checkbox"/> 2 <input type="checkbox"/> 2 Incorporated and Principal Place of Business In Another State Citizen or Subject of a Foreign Country <input type="checkbox"/> 3 <input type="checkbox"/> 3 Foreign Nation	
		<input type="checkbox"/> 4 <input type="checkbox"/> 4 PTF <input type="checkbox"/> 5 <input type="checkbox"/> 5 DEF	
		<input type="checkbox"/> 6 <input type="checkbox"/> 6	

IV. NATURE OF SUIT (Place an "X" in One Box Only)				
CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS	LABOR	SOCIAL SECURITY
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/ Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer w/Disabilities - Employment <input type="checkbox"/> 446 Amer w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence HABEAS CORPUS: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	<input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt Relations <input type="checkbox"/> 730 Labor/Mgmt Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g))
			FEDERAL TAX SUITS	OTHER STATUTES <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609 <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/ Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN	(Place an "X" in One Box Only)				
<input checked="" type="checkbox"/> Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from another district (specify)	<input type="checkbox"/> 6 Multidistrict Litigation
					<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): <u>28 U.S.C. §1332</u>				
	Brief description of cause: <u>Personal injury – motor vehicle accident</u>				

VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23	DEMAND \$	CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		
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VIII. RELATED CASE(S) IF ANY	(See instructions):	JUDGE	DOCKET NUMBER		
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DATE	SIGNATURE OF ATTORNEY OF RECORD				
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3/16/06	<i>[Signature]</i>				
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FOR OFFICE USE ONLY					
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RECEIPT #	AMOUNT	APPLYING IFFP	JUDGE	MAG JUDGE
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